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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91211839
Party	Defendant Scarfware LLC
Correspondence Address	NANCY J. FLINT, ESQ. NANCY J. FLINT, ATTORNEY AT LAW, P.A. 1844 N NOB HILL RD # 424 PLANTATION, FL 33322-6548  nancy@flintiplaw.com
Submission	Answer
Filer's Name	Nancy J. Flint
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Signature	/Nancy J. Flint/
Date	09/10/2013
Attachments	Answer to Opposition No. 91211839.pdf(39762 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

HICKIES, INC.,	)	
Opposer,	)	
	)	
v.	)	<b>OPPOSITION NUMBER 91211839</b>
	)	
SCARFWARE LLC,	)	
Applicant.	)	
_____	)	

**ANSWER TO NOTICE OF OPPOSITION**

SCARFWARE LLC ("Applicant") is the owner of United States Application Serial No. 85/790385 to register the mark HICKIES ("Applicant's Mark") for use in connection with: "Ankle bracelets; Bracelets; Chokers; Necklaces" in Int'l Class 014. Applicant answers the Opposer's Opposition to registration of Applicant's Mark in view of Opposer's HICKIES Mark as follows.

Applicant lacks information to admit all the allegations in Opposer's opening paragraph and on that basis denies those allegations.

1. Applicant is without knowledge of the allegations contained in Paragraph 1 of the Notice of Opposition and on that basis denies those allegations.

2. Applicant is without knowledge of the allegations contained in Paragraph 2 of the Notice of Opposition and on that basis denies those allegations.

3. Applicant is without knowledge of the allegations contained in Paragraph 3 of the Notice of Opposition and on that basis denies those allegations.

4. Applicant is without knowledge of the allegations contained in Paragraph 4 of the Notice of Opposition and on that basis denies those allegations.

5. Applicant is without knowledge of the allegations contained in Paragraph 5 of the Notice of Opposition and on that basis denies those allegations.

6. Applicant is without knowledge of the allegations contained in Paragraph 6 of the Notice of Opposition and on that basis denies those allegations.

7. Applicant is without knowledge of the allegations contained in Paragraph 7 of the Notice of Opposition and on that basis denies those allegations.

8. Applicant is without knowledge of the allegations contained in Paragraph 8 of the Notice of Opposition and on that basis denies those allegations.

9. Applicant is without knowledge of the allegations contained in Paragraph 9 of the Notice of Opposition and on that basis denies those allegations.

10. Applicant admits the allegations contained in Paragraph 10 of the Notice of Opposition.

11. Applicant denies the allegations contained in Paragraph 11 of the Notice of Opposition.

12. Applicant denies the allegations contained in Paragraph 12 of the Notice of Opposition.

13. Applicant denies the allegations contained in Paragraph 13 of the Notice of Opposition.

14. Applicant denies the allegations contained in Paragraph 14 of the Notice of Opposition.

15. Applicant denies the allegations contained in Paragraph 15 of the Notice of Opposition.

16. Applicant denies the allegations contained in Paragraph 16 of the Notice of Opposition.

17. Applicant denies the allegations contained in Paragraph 17 of the Notice of Opposition.

18. Applicant denies the allegations contained in Paragraph 18 of the Notice of Opposition.

**FIRST AFFIRMATIVE DEFENSE**

19. Applicant alleges on information and belief that Opposer's HICKIES Mark is unenforceable and/or improperly registered.

**SECOND AFFIRMATIVE DEFENSE**

20. Applicant alleges on information and belief that Opposer lacks standing to bring this Opposition because it never acquired ownership of Registration No. 4200125.

**THIRD AFFIRMATIVE DEFENSE**

21. Applicant alleges on information and belief that Registration No. 4200125 is invalid as the underlying intent-to-use application was transferred prior to the filing of a Statement of Use.

**FOURTH AFFIRMATIVE DEFENSE**

22. Applicant alleges on information and belief that any registration that should issue from U.S. Application Serial No. 85056380 is invalid because this intent-to-use application was transferred prior to the filing of a Statement of Use.

Applicant hereby appoints Nancy J. Flint, a member of the Bars of the States of Florida and Georgia and the District of Columbia at the firm of:

Nancy J. Flint, Attorney At Law, P.A.

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to act as attorney in the matter of the Opposition identified above, to prosecute the Opposition, to transact all business in the Patent and Trademark Office, and in the United States courts connected with the Opposition, to sign its name to all papers which are hereinafter to be filed in connection therewith, and to receive all communications relating to the same.

WHEREFORE, Applicant prays that the Trademark Trial and Appeal Board deny the Opposition and permit registration of Applicant's proposed mark in Application Serial Number 85/790385 pending in the United States Patent and Trademark Office.

Dated: September 10, 2013

Respectfully Submitted,

/Nancy J. Flint/

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Attorney for Applicant SCARFWARE LLC

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Answer and Affirmative Defenses to the Notice of Opposition has been served by depositing a true and accurate copy with the United States Postal Service as first class U.S. mail, postage prepaid, to Opposer's attorney:

Robert B. Golden, Esq.  
Lackebach Siegel Building  
One Chase Road  
Scarsdale, New York 10583

Dated: September 10, 2013

By: /Nancy J. Flint/  
Nancy J. Flint, Esq.